

EXHIBIT CC

ORIGINAL

1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF NEW YORK

3 -----X
4 Mario Manganiello,

5
6 PLAINTIFF,

7
8 -against-

9 THE CITY OF NEW YORK, a municipal corporation,
10 Commanding Officer of the 43rd precinct, Michael
11 Phipps, individually and as a New York City Police
12 Commander, Deputy Inspector McCarthy individually
13 and as New York City Police Inspector, Lieutenant
14 Harry Scott individually and as a New York City
15 Police Lieutenant, Sergeant Chris Napolitano
16 individually and as a New York City Police
17 Sergeant, Lieutenant John McGovern individually
18 and as a New York City Lieutenant, Detective
19 Joseph Dileo (Id. No. 912509) individually and as
20 a New York City Police Detective, Detective Shawn
21 Abate (Id.No.: 887084) individually and as a New
22 York City Police Detective, Detective Louis
23 Agostini (Id.No. 889648) individually and as New
24 York City Detective, PO Nathaniel Anthony (Id.No.:
25 3172) individually and as a New York City Police
Officer, PO Mario Peri (Id.No.:16404)individually
and as a New York City Police Officer, PO Keith
Walker (Id.No.:16610), PO Joseph Caciano
individually and as a New York City Police
Officers JOHN and JANE DOES, individually and as
New York City Police Officers, the number and
identity of whom is presently unknown, and RICHARD
and ROSE ROES, New York City Supervisory Police
Personnel individually and as New York City Police
Supervisory Officers,

DEFENDANTS.

DATE: November 9, 2004

TIME: 10:20 a.m.

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1 desk and he spoke with someone at the desk and
2 Lieutenant Scott came down again, actually you
3 know what, I think, I don't remember if the
4 lieutenant came back to escort us up or if we were
5 just told to go back upstairs but we wound up all
6 going back upstairs to the squad office.

7 Q. Let me just freeze you right there for a
8 second. How much time passed between the time
9 that you spoke to Richard Ross to the time that he
10 arrived at the precinct approximately?

11 A. He was there within a half-hour I think,
12 30 minutes or so.

13 Q. And this seems to be assumed, was it in
14 fact Richard Ross that arrived at the precinct?

15 A. Yes.

16 Q. Was anybody else with him?

17 A. No.

18 Q. You indicated that you all walked back
19 into the precinct. Who's all?

20 A. Mr. Ross, my father and I.

21 Q. Does Mr. Ross speak Italian?

22 A. No, not that I know of.

23 Q. Did you hear what Mr. Ross said to the
24 front desk officer?

25 A. No, I really don't remember hearing what

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1 he said.

2 Q. Was the front desk officer the same one
3 you had spoken to previously?

4 A. I'm not sure, I think he might have been
5 speaking to someone else at that time.

6 Q. Do you know that officer's name that
7 Richard Ross spoke to?

8 A. No.

9 Q. Sex, do you know the sex?

10 A. I'm not certain, I don't know.

11 Q. And you indicated that you all went
12 upstairs?

13 A. Yes.

14 Q. And who went upstairs besides you?

15 A. Three of us together.

16 Q. Your dad, Ross and you, correct?

17 A. Yes.

18 Q. And what happened when you went
19 upstairs?

20 A. He spoke with, I think he met with one
21 of the detectives up on the floor, I think he met
22 with, he was with Lieutenant Scott if I'm not
23 mistaken, he spoke with Lieutenant Scott, he
24 introduced himself as the attorney and he asked if
25 he could speak with my brother, Lieutenant Scott

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C E R T I F I C A T E

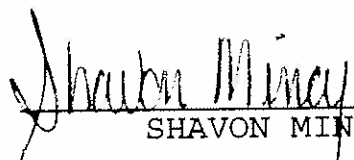
STATE OF NEW YORK)
 : SS.:
COUNTY OF KINGS)

I, SHAVON MINCY, a Notary Public for and
within the State of New York, do hereby certify:

That the witness whose examination is
hereinbefore set forth was duly sworn and that
such examination is a true record of the testimony
given by that witness.

I further certify that I am not related
to any of the parties to this action by blood or
by marriage and that I am in no way interested in
the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto set
my hand this 8th day of December, 2004.


SHAVON MINCY